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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CARLENE MCPHILLIP, Plaintiff, -against- KATHLEEN M. MAGOON (PRIVATE CAPACITY) ROBERT G. MALESTEIN (PRIVATE CAPACITY) NATIONSTAR MORTGAGE LLC DBA MR. COOPER, ALLIED FIRST BANK, SB DBA SERVBANK, Defendants.	Civil Action No. 1:23-cv-02663- RMB-EAP DECLARATION OF MICHAEL C. MULÈ IN SUPPORT OF DEFENDANT ALLIED FIRST BANK SB dba SERVBANK'S MOTION TO DISMISS THE FIRST AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(1) AND FED. R. CIV. P. 12(b)(6)
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MICHAEL C. MULÈ, an attorney duly admitted to practice before this Court, pursuant to 28 U.S.C. § 1746 and Local Civil Rule 7.2 of the United States District Court for the District of New Jersey, declares as follows:

1. I am a Partner of Milman Labuda Law Group PLLC, counsel for Defendant Allied First Bank, SB DBA Servbank (hereinafter “Servbank” or “Defendant”) in the above-entitled action. As such, I am familiar with all of the facts and circumstances heretofore had herein.
2. I make this declaration in support of Servbank's motion to dismiss the First Amended Complaint of Plaintiff Carlene McPhillip (“Plaintiff” or McPhillip”) pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6). A copy of Plaintiff's First Amended Complaint filed on June 28, 2023 is annexed hereto as Ex. “A.”

3. In this action, Plaintiff McPhillip makes various allegations as a “collateral attack” (Ex. “A,” Dkt. 14, ¶1) with respect to a foreclosure action in which she is a defendant. That action, which concerns the very same mortgage that is at issue in this case, is pending in the Superior Court of the State of New Jersey, Chancery Division, Gloucester County, in the action originally entitled, *Nationstar Mortgage LLC v. Carlene McPhillip, et. al*, Docket No. F-008917-22 (“Foreclosure Action”). A copy of the Foreclosure Action Complaint is annexed hereto as Ex. “B.”

4. A copy of McPhillip’s Amended Answer and Counterclaim in the Foreclosure Action is annexed hereto as Ex. “C.”

5. Servbank was substituted as Plaintiff in the Foreclosure Action by Order of the Superior Court, dated July 21, 2023. A copy of that Order is annexed hereto as Ex. “D.” As set forth therein, Defendant NATIONSTAR MORTGAGE LLC, “assigned all its rights, title and interest in and to the Note and Mortgage” referred to in the Foreclosure Action Complaint to Servbank.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 7, 2023

Michael C. Mulè
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